

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CANCHETTA GIPPS,

Plaintiff,

v.

DECISION AND ORDER
06-CV-105S

HSBC,

Defendant.

1. Plaintiff commenced this employment discrimination action *pro se* on February 16, 2006. Since that date, this Court has issued three Orders relating to Plaintiff's failure to respond to Defendant's discovery requests and to appear for a deposition. Plaintiff has failed to comply with any of the Orders.

2. On May 8, 2007, in response to Defendant's First Motion to Compel (Docket Nos. 20, 21), this Court ordered Plaintiff to respond to Defendant's discovery demands by July 1, 2007, and to appear for a deposition by August 1, 2007. This Court cautioned that failure to comply with this Order could lead to sanctions, including the dismissal of Plaintiff's case. (Docket No. 23).

3. After Plaintiff failed to comply with this Order and Defendant made a Second Motion to Compel and for sanctions (Docket No. 26), this Court on November 15, 2007, issued an Order to Show Cause (Docket No. 30), directing Plaintiff to file an affidavit by December 7, 2007, explaining her failure to comply with this Court's prior Order. Plaintiff failed to comply with the November 15, 2007, Order to Show Cause.

4. Therefore, on December 28, 2007, this Court issued a second Order to Show Cause directing Plaintiff to file a responsive affidavit explaining her failure to comply with

this Court's two previous Orders by January 18, 2008. The Order again explicitly warned Plaintiff that failure to comply could lead to dismissal of the action and other sanctions. The Order was mailed to Plaintiff at the address she had provided to the Court.

5. As of the date of this Order, Plaintiff has failed to respond to the Order or otherwise contact the Court. In fact, the record indicates that the copy of the December 28, 2007, Order that was mailed to Plaintiff was returned to the Court as "undeliverable."

6. Accordingly, the Court concludes that in light of Plaintiff's multiple failures to respond to this Court's Orders, and failure to apprise the Court of her current address as required by LOCAL R. CIV. P. 5.2(d), this action should be dismissed for Plaintiff's failure to prosecute.

IT HEREBY IS ORDERED, that Plaintiff's Complaint should be dismissed for failure to prosecute.

FURTHER, that Defendant's Second Motion to Compel and for sanctions (Docket No. 23) is DENIED without prejudice to its renewal in the event Plaintiff seeks to reopen this case.

FURTHER, that the Clerk of the Court is directed to take all steps necessary to close the case.

SO ORDERED.

Dated: March 12, 2008
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge